

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 1-21 are pending; no claims are new added, amended, or canceled herewith.

In the outstanding Office Action, Claims 2, 4, 5, 9, 11, 12, 16, 18, and 19 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over Claims 22-24 of co-pending application serial no. 10/982,889 (hereafter, the '889 application); and Claims 6, 7, 13, 14, 20, and 21 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over Claims 22-24 of the '889 application in view of Kuribayashi et al. (U.S. Pat. No. 4,709,995).

Because the Applicants have filed herewith a Terminal Disclaimer against the '889 application, it is respectfully submitted that these rejections have been obviated. Nonetheless, the filing of a Terminal Disclaimer to obviate a rejection based on non-statutory double patenting is not an admission of the propriety of the rejection. The "filing of a Terminal Disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection." *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870 (Fed. Cir. 1991). Accordingly, Applicants' filing of the attached disclaimers is provided for facilitating a timely resolution of prosecution only, and should not be interpreted as an admission as to the merits of the obviated rejection.

Consequently, in view of the foregoing discussion, it is respectfully submitted that this application is in condition for allowance. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

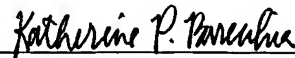
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